



US EPA RECORDS CENTER REGION 5



July 7, 1997

Mr. Tris O. Gour
I.S.E.S.
1415 Lincolnway West, Suite E
P.O. Box 233
Osceola, IN 46561

Re: Hazardous Waste Disposal From Eisenhower Drive Property in
Goshen, Indiana - Dygert Seating, Inc.

Dear Mr. Gour:

The Eisenhower Drive facility in Goshen, Indiana previously used and leased by Dygert Seating, Inc. is owned by Robert H. Brewster, Sr. and the Trust for his deceased former wife, Esther Brewster, NBD Bank, Trustee. Mr. Brewster is the sole shareholder of Innkeepers of Goshen, Inc., which (among other activities) owns and operates the Goshen Inn & Convention Center (formerly known as the Goshen Holiday Inn). Such business is a meaningful, long-standing operation, that is essentially debt-free and fully capable of fulfilling its financial commitments.

Innkeepers of Goshen, Inc. herewith commits to pay Industrial Safety and Environmental Services the \$20,690 as the total cost for the removal and safe and legal disposition of the hazardous and special waste situated at the Eisenhower Drive facility as set forth in your letter of May 1, 1997 to Gregg A. Gaskill, Vice President, Dygert Seating (copy attached). Such financial commitment on the part of Innkeepers of Goshen, Inc. shall be fulfilled at time of removal and disposition of the materials in question. Such payment is being made at your insistence because you fear that Dygert Seating, Inc. (now apparently known as DS Sales, Inc.) will not pay your company for the removal and disposition.

In return for the payment by Innkeepers, you and your company will pursue collection of the removal and disposition expenses from DS Sales through its bankruptcy proceedings as an administrative claim. Any amount so collected will be reimbursed by you and ISES to Innkeepers. At Innkeepers' request, and at any time hereafter, your company will be obligated to assign its collection rights/open account indebtedness to Innkeepers of Goshen, Inc.

None of Innkeepers of Goshen, Inc., Mr. Brewster, nor NBD Bank as trustee are the owners of the hazardous or special waste to be removed and disposed of. None deem themselves as "responsible parties" under any environmental laws or standards. Dave Dygert, Dygert Seating, and/or Flexsteel Industries have all previously promised and implicitly committed to remove the materials from the rental property, but to date such removal has not occurred, and you refuse to undertake the previously arranged removal if you are not comfortable about being paid. Because Mr. Brewster and NBD Bank cannot lease or sell the building in its current situation (with the materials of Dygert still on site), Innkeepers has agreed to pay the amount owed by Dygert Seating (DS Sales) and/or Dave Dygert though it, Mr. Brewster, and NBD Bank are not in any fashion obligated to remove or dispose of such.

I hope with this assurance in hand, your company will proceed promptly with the proper removal and disposition of the waste materials situated at the Brewster real estate aforementioned.

If you have any questions concerning this writing or the commitment of Innkeepers of Goshen, Inc. herein stated please contact me immediately. Otherwise, I will assume that your company will immediately commence work on the waste removal and disposition.

Thank you for your anticipated cooperation.

Yours truly,

Kent F. Brechtel, President,
Innkeepers of Goshen, Inc.

KFB/ka
Enclosure
cc: Dave Dygert
Gordon Lord